

FILED
JAN 24 1997
IDAHO FALLS, IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

A. Subcase 24-10763

Case No. 35976

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Joel Porter

Address: 130 N. Court Ave.

Memphis, TN 38103

Daytime Phone: 901-524-5000

Name & Address of Attorney, if any:

Kent W. Foster

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Joel Porter

Address: 130 N. Court Ave.

Memphis, TN 38103

D I object to the following elements as recommended in the Director's Report (Please check the appropriate box(es))

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: Crow Creek Tributary to Salt River
3. ☒ **Quantity**
Should be: 0.25 cfs
4. ☒ **Priority Date**
Should be: May 1, 1914
5. ☒ **Points of Diversion**
Should be: SWNE, Sec. 29, T9S., R46E.
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Irrigation
8. ☒ **Period of Year**
Should be: 04/01 to 10/31
9. ☒ **Place of Use**
Should be: I9S., R46E., Sec. 20, NWNE (4), SWNE (4) *Joel Porter doesn't own this land?*

10 **I object because:**

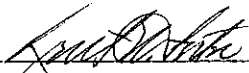
- ☐ This water right should not exist
- ☒ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Claimant recently acquired this land and hired a ranch manager who has now been able to obtain information from the former owners and irrigators of the property.

VERIFICATION (Must be Completed)

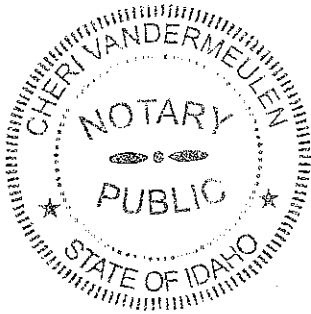
State of Idaho)
)ss.
County of Bonneville)

Kent W. Foster, duly sworn, upon oath, deposes and says that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge



Kent W Foster

Subscribed and sworn to before me this 22nd day of January, 2007.





Notary Public for Idaho
Residing at: Idaho Falls, ID
My Commission Expires: July 7, 2009

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of January, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1 Original to:

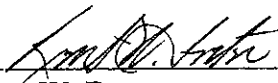
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P O Box 2707
Twin Falls, ID 83303-2707

2 Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Kent W. Foster

G:\WPDA\IA\KWF\10652 MAR\IN STEPHEN E\12 Joel Porter\Objection 10763 wpd

11/14/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 24-10763

NAME AND ADDRESS: JOEL PORIER
130 N COURT
MEMPHIS TN 38103

SOURCE: CROW CREEK

TRIBUTARY: SALT RIVER

QUANTITY: 1.500 CFS

PRIORITY DATE: 05/01/1914

POINT OF DIVERSION:

T09S R46E S29 SWNE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.500 CFS

PLACE OF USE: IRRIGATION in CARIBOU County

T09S R46E S29	NWNE	18.00	T09S R46E S29	SWNE	32.00
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50 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM -- Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

This right is a split from former right 24-4021.

DISALLOWED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 24-10763
Date Received: 10/26/2005
Receipt No: E032387
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOEL PORTER Phone: (901)524-5117
130 N COURT
MEMPHIS TN USA 38103

2. Date of Priority: 05/01/1914

3. Source: CROW CREEK Trib. to: SALT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	46E	29	SW NE	CARIBOU	

5. Description of diverting works:

HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	1.5	

7. Total Quantity Appropriated is:
1.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	46E	29	NW	NE	IRRIGATION	18
			SW	NE	IRRIGATION	32
					Section Acres	50
					Total Acres	50

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 24-4021

15. Basis of Claim: Beneficial Use

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 24-4021

Date Received 11-8-06

Receipt Number E 032387

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

NOV 08 2006

Department of Water Resources
Eastern Region

1 Name of Claimant(s) Joel Porter Phone (701) 524-5117
Mailing Address 130 North Court, Memphis, TN Zip 38103

2 Date of Priority (Only (1) per claim) May 1, 1914

3 Source of water supply (a) Crow Creek
which is tributary to (b) Salt River

4.a Location of existing point of diversion is:
Township 9S Range 46E Section 29, 1/4 of SW 1/4 of NE 1/4, Govt Lot _____,
County of Caribou

Additional points of diversion if any: _____

b If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5 Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged
and the depth of each well. Headgate and ditch.

6 Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/01 to 10/31 amount 1.5 cfs or _____

7 Total quantity claimed (a) 1.5 (cfs) and/or (b) _____ (acre feet)

8 Total consumptive use claimed is _____ acre feet per annum

9 Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of
livestock Etc) _____

- 10 Description of place of use:
- a. If water is for irrigation indicate acreage in each subdivision in the table below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	46E	29		18	32														50

Total number of acres irrigated 50

11 In which county(ies) are lands listed above as place of use located? Caribou

12 Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13 Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14 Remarks:

15 Basis of Claim (Check one) Beneficial Use ☒ Posted Notice ☐ Permit ☐ Decree ☐ License ☐
If applicable provide IDWR Water Right Number 24-4021
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

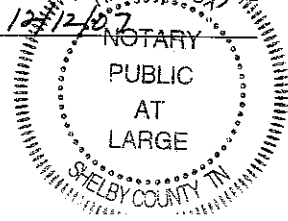
16 I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Joel Porter Date 11-6-06
_____ Date _____

State of ~~Idaho~~ Tennessee)
) SS.
County of Shelby)

Subscribed and sworn (or affirmed) before me this 6th day of November, 2006.

Leida T. Cox
Notary Public State of Tennessee
Residing at 130 N. Court Ave. Memphis, TN 38103
My Commission Expires 12/12/07



Last Name Joel Porter Ident. Number 24-4021

17 Notice of Appearance:

Notice is hereby given that I, KEVIN M. PORTER will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

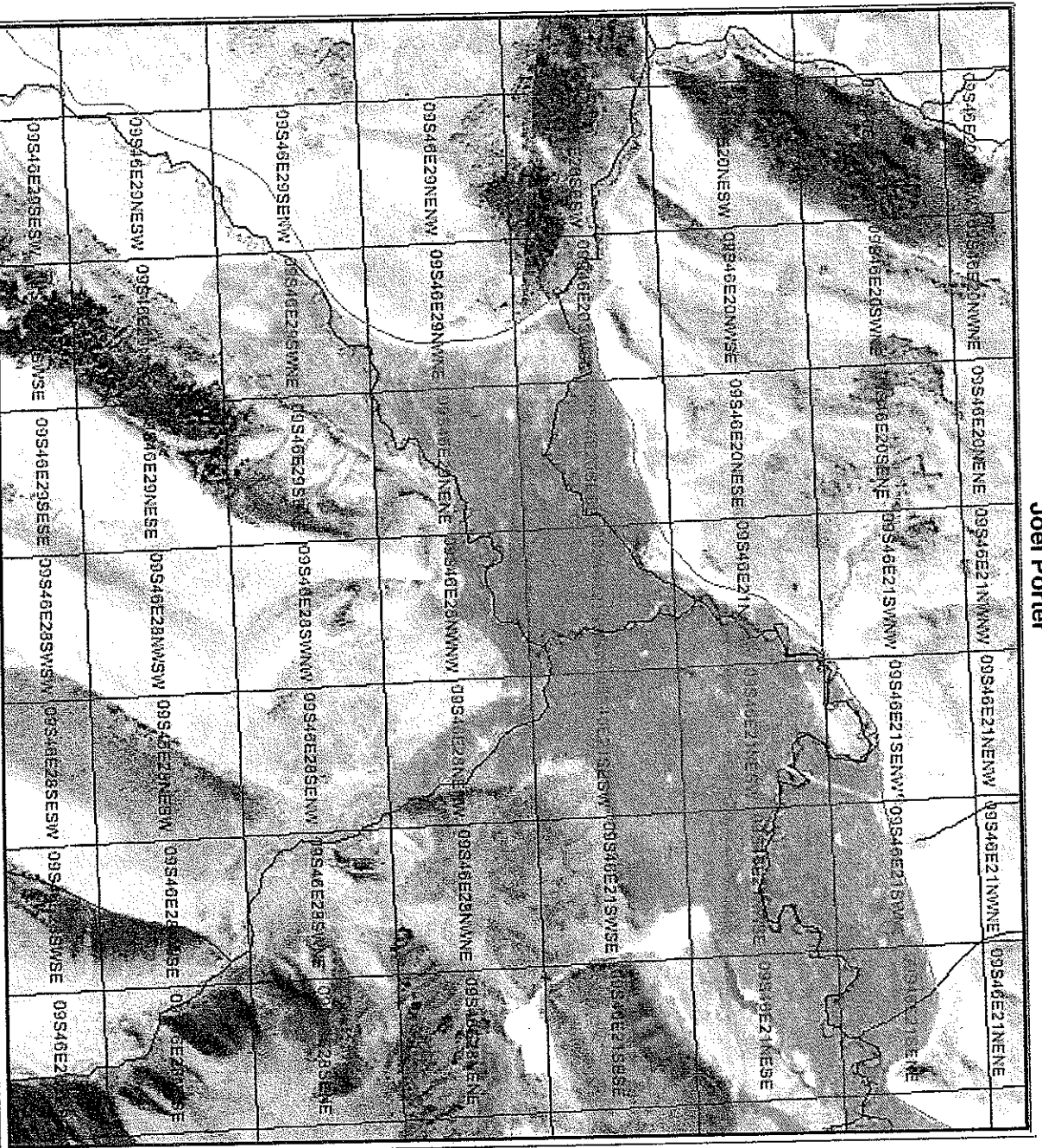
Signature Kevin M. Porter

Address PO Box 50130 Idaho Falls, ID 83405

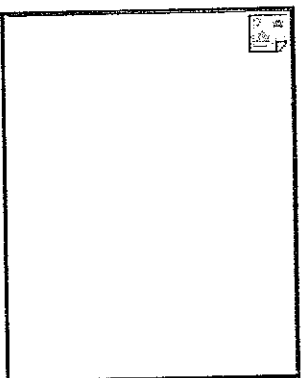
Date 11/8/06

G:\WPDATA\KWF\10652 MARTIN STEPHEN E\07 Toner Kevin\Claim 24-4021 Porter wpd.cdv

Joel Porter



Created: October 31, 2006



- Legend**
- Major Roads
 - Interstate
 - U.S. Highway
 - State Highway
 - Other
 - Lakes
 - Major Rivers
 - Rivers
 - Creeks
 - Small streams
 - Scenic
 - PLS - quarter quarter
 - Cities
 - Counties
 - State
 - Adjudication Photos



Prepared by the Aerials Map Server at:
 Idaho Department of Water Resources
 1322 East Front Street, P.O. Box 8720
 Boise, Idaho 83720-0820
 Phone (208) 287-4800
 www.idwr.idaho.gov

The Idaho Department of Water Resources is maintaining this web site as a public service. Persons using information from this site for official purposes, or other purposes, for which accuracy and completeness are required, are hereby notified that they should first verify the information with the public records or other primary sources from which the information was obtained.

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DALE W. STORER
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KARL R. DECKER
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IDAHO FALLS, IDAHO 83405

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FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

**Also Licensed in Missouri & Kansas

November 8, 2006

Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Re: Notice of Claim - No. 24-4021

Dear Ladies & Gentlemen:

Enclosed is a Notice of Claim to Water Right No. 24-4021 in the name of Joel Porter.
Also enclosed is a map of the property and our check in the amount of \$300.00 for the filing fee.

If this amount is incorrect, or anything further is needed, please feel free to contact this office.

Yours very truly,



Kent W. Foster

Enclosures

RECEIVED

NOV 08 2006

Department of Water Resources
Eastern Region